

Appl. No.: 10/814,820
Amendment dated December 8, 2006
Reply to Office Action of August 10, 2006
Page 4

Amendments to the Drawings:

The attached sheets of drawings include amended Figure 5. This sheet had been previously appended to original sheets 1-4 (Figures 1-4).

Attachment: Replacement Sheet (5/5)

REMARKS/ARGUMENTS

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as presented are earnestly solicited. Claims 1-10 are pending. In response to the Office Action, Claim 1 has been amended to include the recitations of Claim 5 and intervening Claims 2 and 3. Claims 2, 3 and 5 have been cancelled. Amended Claim 1 now contains the recitations of original Claims 2, 3 and 5. As such no new matter has been added and no new issues have been raised. It is believed that the pending claims define patentable subject matter over the references cited by the Examiner and notice to such effect is requested at the Examiner's earliest opportunity.

Interview Summary – 10/3/06

Applicants wish to thank Examiner for granting a telephone interview on October 3, 2006. In the interview, Applicants requested reconsideration of the entry of new Figure 5 (attached hereto in the appendix) based on support in the as-filed specification found, for example, on page 8, lines 2-8. Examiner noted that if the Applicant's position is that the collar shown in new Figure 5 is known, then new Figure 5 could be added along with a statement that the collar is known in the prior art. The Examiner further stated that an after-final amendment would be considered as long as no new issues are raised thereby.

Drawing Objections

The Final Office Action indicates that the drawings are objected to for failing to show the recited elements of Claims 5 and 8. In response, new Figure 5 is resubmitted herein to show an axial cross-section of one embodiment of the slitter device showing "a non-contiguous ring (24) defining an angular gap (51)." The various elements shown in new Figure 5 find support throughout the specification such as, for example, at page 8, lines 3-8, lines 16-18, and lines 24-27. Accordingly, no new matter has been added. Furthermore, the "threaded radially-outward surface" of the collar (24) recited in Claim 8 is shown, for example, in the as-filed Figure 4 (see element (24)) and finds support in the specification such as, for example, at page 8, lines 24-27. Accordingly, it is believed that the new Figure 5 presented herein, and the as-filed Figure 4, serve to overcome the pending drawing objections.

Applicants further submit that the as-filed specification states, at page 8, lines 2-3, that: “One skilled in the art will appreciate that the axial adjustment of the second cutting blade may be achieved using various types of collars and securing members. For example, the collar 24 may comprise a non-contiguous ring defining an angular gap.” Applicants thus respectfully submit that the as-filed specification indicates that such collars are known, and that new Figure 5 is properly added in accordance with the requirements set forth by the Examiner in the Interview of 10/3/06.

Rejections under 35 U.S.C. §112

The Office Action also indicates that Claims 5 and 8-10 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description and enablement requirements. In response, Applicant respectfully submits that the recitations of Claims 5 find adequate support in new Figure 5 and throughout the as-filed specification such as, for example, at page 8, lines 3-8. Furthermore, Applicant respectfully submits that the recitations of Claims 8-10 find adequate support in new Figure 5 (see elements (21/23)), as-filed Figure 4 (see the threaded surface of element (24)), and throughout the as-filed specification (such as, for example, at page 8, lines 16-18 and lines 24-27). Accordingly, it is believed that the figures and portions of the as-filed specification highlighted herein serve to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Thus, Applicant respectfully requests that Examiner withdraw the pending claim rejections of Claims 5 and 8-10 under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §103

The Office Action indicates that Claims 1-4, 6 and 7 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 2,236,366 to Chapman *et al.* (“Chapman”) in view of U.S. Patent No. 1,856,433 to Schillo (“Schillo”). In response, independent Claim 1 has been amended to include the recitations of Claim 5 and intervening Claims 2 and 3. The new recitations find support throughout the as-filed specification such as, for example, in the as-filed Claims 2, 3 and 5. Accordingly, no new matter has been added. Applicants further respectfully submit that no new issues are raised by the claim amendments presented herein.

Examiner has indicated that Claims 5 and 8-10 “set forth structure that does not appear to be taught or suggested by the prior art of record.” Furthermore, Applicants respectfully submit, as summarized above, that the addition of new Figure 5 and the indication in the as-filed specification that the recitations of Claim 5 would be appreciated by one skilled in the art provide adequate support for amended Claim 1. Applicants further respectfully submit that the combination of elements recited in amended Claim 1 is not taught or suggested by Chapman or Schillo, alone or in combination.

Applicants thus submit, for at least the reasons stated above, that **amended Claim 1 is not obvious over by Chapman in view of Schillo**, and therefore Claim 1, as well as Claims 4 and 6-10, which depend therefrom, are patentable over Chapman in view of Schillo.

CONCLUSION

In conclusion, Chapman and Schillo, alone or in combination, **do not** teach, suggest, or provide motivation for the embodiments of the present invention as now claimed in Claim 1 and the claims depending therefrom. Accordingly, in view of the above differences between the Applicants’ invention and the cited references, the Applicants submit that the present invention, as defined by the pending claims, is patentable over the references cited in the Office Action. As such, for the reasons set forth above, Claims 1, 4 and 6-10 are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner’s earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/jpiche/

Jason O. Piché
Registration No. 53,468

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT AND TRADEMARK OFFICE ON December 8, 2006.